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PATENT APPLICATION

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IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): James FRISKEL

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Application No.: 10/058,097

Examiner: HUYNH, B.

Filing Date: 01/29/2002

Group Art Unit: 2179

Title: **SYSTEM AND METHOD FOR DEVELOPING AND PROCESSING A GRAPHICAL USER INTERFACE FOR A COMPUTER APPLICATION**

Mail Stop Appeal Brief-Patents  
Commissioner For Patents  
PO Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on 07/19/2006.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month  
\$120

☐ 2nd Month  
\$450

☐ 3rd Month  
\$1020

☐ 4th Month  
\$1590

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$ 500. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellant:	Hewlett Packard Co.	Patent Application	
Serial No.:	10/058,097	Group Art Unit:	2179
Filed:	January 29, 2002	Examiner:	Huynh, B.
For:	SYSTEM AND METHOD FOR DEVELOPING AND PROCESSING A GRAPHICAL USER INTERFACE FOR A COMPUTER APPLICATION		

Appeal Brief

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## Table of Contents

<u>Page</u>	
	Real Party in Interest 1
	Related Appeals and Interferences 1
	Status of Claims 1
	Status of Amendments 1
	Summary of Claimed Subject Matter 1
	Grounds of Rejection to Be Reviewed on Appeal 2
	Argument 4
	Conclusion 7
	Appendix - Clean Copy of Claims on Appeal 9
	Appendix – Evidence Appendix 14
	Appendix – Related Proceedings Appendix 15



#### Real Party in Interest

Hewlett Packard Co. is the real party in interest.

#### Related Appeals and Interferences

There are no related appeals or interferences known to the Appellants.

#### Status of Claims

Claims 4-9, 11, 12, 14, 16 and 24-28 are pending. 1-3, 10, 13, 15 and 17-23 have been cancelled. Claims 4-9, 11, 12, 14 and 24-28 are rejected. There are no new claims.

#### Status of Amendments

No amendments were filed after the issuance of the final rejection that is dated April 7, 2006.

#### Summary of Claimed Subject Matter

A claimed embodiment of the invention, such as exemplified by Claim 8, is drawn to a computer readable medium containing computer executable instructions (e.g., specification at page 5, paragraph 0020, lines 1-3 and Figure 1 component 112) for instructing a computer to operate. The computer executable instructions instruct the computer to perform operations comprising, defining a graphical image (e.g., specification at page 5, paragraph 0020, lines 7-10 and Figure 1 component 108) for a visible portion of a user interface for an application program running on the computer in a first computer file, wherein the graphical image provides at least an outer boundary of the visible portion and defining in a second computer file (e.g., specification at page 5, paragraph 0020, lines 7-10 and Figure 1 component 110) a

plurality of parameters for associating a functional portion of the user interface with the graphical image. In addition, the computer executable instructions instruct the computer to process the first and second computer files to display the visible portion of the user interface and to configure the functional portion of the user interface (e.g., specification at page 5, paragraph 0020, lines 10-13).

A claimed embodiment of the invention, such as exemplified by Claim 12, is drawn to a computer system. The computer system comprises a process and an application program (e.g., specification at page 5, paragraph 0020, lines 1-3 and Figure 1 component 112) having a user interface. The process manages a plurality of corresponding graphics file and configuration file pairs. Each graphics file defines a graphical image for a visible portion of the user interface (e.g., specification at page 5, paragraph 0020, lines 7-10 and Figure 1 component 108). At least one graphical image provides at least an outer boundary of the visible portion. Each configuration file defines a plurality of parameters for associating a functional portion of the user interface with at least one graphical image (e.g., specification at page 5, paragraph 0020, lines 7-10 and Figure 1 component 110). Each of the plurality of corresponding graphics file and configuration file pairs is processed to display the visible portion of the user interface and configure the functional portion of the user interface (e.g., specification at page 5, paragraph 0020, lines 10-13).

A claimed embodiment of the invention, such as exemplified by Claim 14, is drawn to a method. The method comprises developing for a third party an application program (e.g., specification at page 5, paragraph 0020, lines 1-3 and Figure 1 component 112) for executing a process on a computer system. The process manages

a plurality of corresponding graphics file and configuration file pairs. Each graphics file defines a graphical image for a visible portion of the user interface (e.g., specification at page 5, paragraph 0020, lines 7-10 and Figure 1 component 108). At least one graphical image provides at least an outer boundary of the visible portion. Each configuration file defines a plurality of parameters for associating a functional portion of the user interface with at least one graphical image (e.g., specification at page 5, paragraph 0020, lines 7-10 and Figure 1 component 110). Each of the plurality of corresponding graphics file and configuration file pairs is processed to display the visible portion of the user interface and configure the functional portion of the user interface (e.g., specification at page 5, paragraph 0020, lines 10-13).

A claimed embodiment of the invention, such as exemplified by Claim 26, is drawn to a method of displaying a visible portion of a user interface for an application program (e.g., specification at page 5, paragraph 0020, lines 1-3 and Figure 1 component 112). The method comprises defining a graphical image (e.g., specification at page 5, paragraph 0020, lines 7-10 and Figure 1 component 108) for the visible portion of the user interface in a first computer file wherein the graphical image provides at least an outer boundary of the visible portion and defining in a second computer file a plurality of parameters (e.g., specification at page 5, paragraph 0020, lines 7-10 and Figure 1 component 110) for associating a functional portion of the user interface with the graphical image. In addition, the method comprises processing the first and second computer files to display the visible portion of the user interface and configure the functional portion of the user interface (e.g., specification at page 5, paragraph 0020, lines 10-13).

A claimed embodiment of the invention, such as exemplified by Claim 27, is drawn to a computer system. The computer system comprises a memory having a first computer file stored in the memory, wherein a graphical image for a visible portion of a user interface is defined (e.g., specification at page 5, paragraph 0020, lines 7-10 and Figure 1 component 108) in the first computer file, and wherein the graphical image provides at least an outer boundary of the visible portion. In addition, the computer system comprises a second computer file stored in the memory, wherein a plurality of parameters for associating a functional portion of the user interface (e.g., specification at page 5, paragraph 0020, lines 7-10 and Figure 1 component 110) with the graphical image are defined in the second computer file, and wherein the first and second computer files are processed to display the visible portion of the user interface and configure the functional portion of the user interface (e.g., specification at page 5, paragraph 0020, lines 10-13).

A claimed embodiment of the invention, such as exemplified by Claim 28, is drawn to a computer system. The computer system comprises a graphics file (e.g., specification at page 5, paragraph 0020, lines 7-10 and Figure 1 component 110) that comprises a graphical image for a visible portion of a user interface, wherein the graphical image provides at least an outer boundary of the visible portion and a configuration file (e.g., specification at page 5, paragraph 0020, lines 7-10 and Figure 1 component 108) comprising a plurality of parameters for associating a functional portion of the user interface with the graphical image, wherein the graphics and configuration files are processed to display the visible portion of the user interface and configure the functional portion of the user interface (e.g., specification at page 5, paragraph 0020, lines 10-12).

### Grounds of Rejection to be Reviewed on Appeal

Ground 1: Claims 4-9, 11, 12, 14, 16 and 24-28 are rejected under 35 U.S.C. § 102(a) as being anticipated by Ko et al. (U.S. Patent No. 6,292,185).

### Arguments

The rejection of Claims 4-9, 11, 12, 14, 16 and 24-28 are rejected under 35 U.S.C. § 102(a) as being anticipated by Ko et al.

#### A. Scope and Content of the Applied Art References

The Ko et al. reference pertains to a method and apparatus for tailoring the appearance of a graphical user interface for an internet web browser. As disclosed by Ko et al. a host server receives a request over the internet or an intranet for a web page. The host server provides the necessary data and executable files for the user's personal computer. A computer program executed on a personal computer alters the appearance of a user's graphical web browser by accessing data files. The appearance of a web browser can be tailored using an editor program to provide data files used to tailor the appearance of a web browser.

#### B. Differences Between Applied Art References and the Claimed Invention

I. Differences between Ko et al. and the embodiments of the claimed invention that are set forth in Claims 8, 12, 14, 26, 27 and 28.

35 USC 102 requires that a single reference teach all of the limitations that are set forth in a Claim that is rejected on the basis of that statute. The applied art reference Ko et al. fails to teach or suggest the embodiments of the claimed invention



including all of their recited features. In particular, Ko et al. does not teach or suggest a method of displaying a visible portion of a user interface for an application program that comprises defining a graphical image for a visible portion of the user interface in a first computer file and “defining in a second computer file a plurality of parameters for associating a functional portion of the user interface with the graphical image” as is set forth in independent Claim 26 (independent Claims 8, 12, 14, 27 and 28 contain similar limitations).

In order to meet the limitations of independent Claim 26 (and those of independent Claims 8, 12, 14, 27 and 28) a reference must teach or suggest first and second computer files, wherein: (1) the first file contains data that defines a graphical image, and (2) the second file contains data that associates a functional portion of the user interface with the graphical image. Moreover, in order to meet the limitations of Claims 8, 12, 14, 26, 27 and 28 a reference must teach or suggest not only files related to the appearance of a user interface but also files that relate functional components of the user interface to a graphical image.

Ko et al. discloses a dissimilar method and apparatus for tailoring the appearance of a graphical user interface. Ko et al. discloses files default.xtd and default.xtc which are equated in the outstanding Office Action at page 2 to the recited first and second files of Appellant’s Claims. However, as disclosed by Ko et al., these files relate only to the appearance of the graphical user interface. It should be appreciated that Appellant does not contend that the files default.xtd and default.xtc are the same, as was suggested in the outstanding Office Action, but that these files each are related to appearance.

In fact, Ko et al. discloses that file default.xtd includes compressed graphics files used in the display of a customized web browser (column 6, lines 38-39), that file default.xtc includes “the positions of background 702, buttons 704-710, and URL locator 712, as well as names of the image files background 702 and buttons 704-710” (column 8, lines 18-21, emphasis added). It is clear from the aforementioned disclosures that are referenced from Ko et al. that the files that are erroneously equated to the recited first and second files in the outstanding Office Action are both actually related to appearance and are not employed in any manner to associate a functional portion of the user interface with a graphical image portion as is required to meet the limitations of Appellant’s Claim 26 (independent Claims 8, 12, 14, 27 and 28 contain similar limitations).

From the above discussion it is apparent that the Ko et al. reference does not satisfy the requirements of 35 USC 102 as Ko et al. does not teach or suggest key limitations of Appellant’s Claims. It should be appreciated that this deficiency of Ko et al. prevents Ko et al. from being properly employed as a reference upon which to base a 35 USC 102 rejection of Claims 8, 12, 14, 26, 27.

Appellant respectfully submits that nowhere in the Ko et al. reference is a method of displaying a visible portion of a user interface for an application program that comprises defining a graphical image for a visible portion of a user interface in a first computer file and defining in a second computer file a plurality of parameters for associating a functional portion of the user interface with the graphical image taught

or suggested as is set forth in independent Claim 26 (independent Claims 8, 12, 14 and 26-28 contain similar limitations).

Consequently, Appellant respectfully submits that Ko et al. does not anticipate (or render obvious) the embodiments of Appellant's invention that are set forth in independent Claims 8, 12, 14 and 26-28. Accordingly, Appellant respectfully submits that Claims 8, 12, 14 and 26-28 are in condition for allowance. Appellant also respectfully submits that Ko et al. does not anticipate or render obvious the embodiments of the present claimed invention as are set forth in Claims 4-7, 9, 24 and 25 dependent on Claim 26, Claim 11 dependent on Claim 27, and Claim 16 dependent on Claim 28. Accordingly, Claims 4-7, 9, 11, 16, 24 and 25 are likewise in condition for allowance as being dependent on allowable base claims.

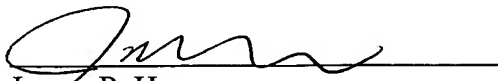
#### Conclusion

Appellant believes that pending Claims 4-9, 11, 12, 14, 16 and 24-28 are patentable over Ko et al. Appellant respectfully requests that the rejection of these Claims be reversed.

Respectfully submitted,

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## Appendix - Clean Copy of Claims

### Claims 1-3 (Canceled)

4. The method of claim 26 wherein the second computer file comprises a location definition and an activation region type for an activation region.

5. The method of claim 4 wherein the activation region type for the activation region points to a third computer file comprising a plurality of parameters corresponding to a second graphical image, wherein the second graphical image is defined in a fourth computer file.

6. The method of claim 26 wherein a state of the user interface is a default state.

7. The method of 26 wherein the processing of the first and the second computer files further comprises:

defining a polygon corresponding to an external boundary of the graphical image, wherein the polygon comprises a non-rectangular irregular shape;

storing information regarding the polygon in a computer system; and

partitioning the graphical image into transparent and visible color regions using the information regarding the polygon.

8. A computer readable medium containing computer executable instructions for instructing a computer to operate as follows:

defining a graphical image for a visible portion of a user interface for an application program running on the computer in a first computer file, wherein the graphical image provides at least an outer boundary of the visible portion;

defining in a second computer file a plurality of parameters for associating a functional portion of the user interface with the graphical image; and

processing the first and second computer files to display the visible portion of the user interface and configure the functional portion of the user interface.

9. A computer system comprising a client computer and a server computer wherein the client computer and the server computer are each operable to execute the method of claim 26.

10. (Canceled)

11. The computer system of claim 27 further comprising a graphics engine computer program running in the computer system and operable to read the second computer file for processing the first computer file.

12. A computer system comprising:

a process; and

an application program having a user interface, wherein the process manages a plurality of corresponding graphics file and configuration file pairs, wherein each graphics file defines a graphical image for a visible portion of the user interface, wherein at least one graphical image provides at least an outer boundary of the visible portion, wherein each configuration file defines a plurality of parameters for

associating a functional portion of the user interface with at least one graphical image, wherein each of the plurality of corresponding graphics file and configuration file pairs is processed to display the visible portion of the user interface and configure the functional portion of the user interface.

13. (Canceled)

14. A method comprising:

developing for a third party an application program for executing a process on a computer system, wherein the process manages a plurality of corresponding graphics file and configuration file pairs, wherein each graphics file defines a graphical image for a visible portion of the user interface, wherein at least one graphical image provides at least an outer boundary of the visible portion, wherein each configuration file defines a plurality of parameters for associating a functional portion of the user interface with at least one graphical image, wherein each of the plurality of corresponding graphics file and configuration file pairs is processed to display the visible portion of the user interface and configure the functional portion of the user interface.

15. (Canceled)

16. The computer system of claim 28 wherein at least one of the group consisting of the graphics file and the configuration file is dynamically updated by a server computer coupled to the computer system.

17-23 (Canceled)

24. The method of claim 26 wherein a state of the user interface is a selected state.

25. The method of claim 26 wherein a state of the user interface is an activated state.

26. A method of displaying a visible portion of a user interface for an application program, the method comprising:

defining a graphical image for the visible portion of the user interface in a first computer file, wherein the graphical image provides at least an outer boundary of the visible portion;

defining in a second computer file a plurality of parameters for associating a functional portion of the user interface with the graphical image; and

processing the first and second computer files to display the visible portion of the user interface and configure the functional portion of the user interface.

27. A computer system comprising:

a memory;

a first computer file stored in the memory, wherein a graphical image for a visible portion of a user interface is defined in the first computer file, and wherein the graphical image provides at least an outer boundary of the visible portion; and

a second computer file stored in the memory, wherein a plurality of parameters for associating a functional portion of the user interface with the graphical image are

defined in the second computer file, and wherein the first and second computer files are processed to display the visible portion of the user interface and configure the functional portion of the user interface.

28. A computer system comprising:

a graphics file comprising a graphical image for a visible portion of a user interface, wherein the graphical image provides at least an outer boundary of the visible portion; and

a configuration file comprising a plurality of parameters for associating a functional portion of the user interface with the graphical image, wherein the graphics and configuration files are processed to display the visible portion of the user interface and configure the functional portion of the user interface.



IX. Evidence Appendix

No evidence is herein appended.

X. Related Proceedings Appendix

No related proceedings.